

From: Vincent Sheffer
To: Microsoft ATR
Date: 12/8/01 8:02pm
Subject: Settlement a travesty

I am writing to voice my strong opposition to the antitrust settlement reached with Microsoft. I have always believed that justice in the U.S. means 2 things: punishment for the offender and remedies that prevent the offender from breaking the law, and thus harming society, again.

Your settlement fails miserably on both counts. I see absolutely no punishment and, even worse, MS will be able to carry on with the same exact behavior for which they were found guilty by 8 judges (the original trial judge as well as the 7 appeals court judges).

Finally, to the degree that the remedies are supposed to prevent a repeat of MS illegal behavior they won't. The most glaring weakness is in the area of APIs. The lead time that MS competitors are supposed to get by more timely release of the APIs is still not sufficient and leaves MS with a substantial advantage over it's rivals. More troubling are the loopholes for allowing MS to not release certain APIs. Specifically, allowing them to withhold specifications for security related APIs allows them to pursue there most important current and future initiative fully capable of using the same aggressive (and illegal) tactics that the remedy is supposed to prevent. MS's Passport authentication system, which is their most significant strategic product moving into the future, will be exempted from this so-called remedy.

Just as the current DOJ would never consider letting a convicted drug dealer off the hook without being punished, neither should you let a convicted corporate offender off with no punishment and free to engage in exactly the same condemned behavior in the future. If the current settlement proceeds unchanged it will be like giving the convicted drug dealer another bag of crack and letting them off in front of a school yard.

Thank you,
Vincent Sheffer
Software Developer